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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,014	12/28/2001	James W. Norris	31891	2456

33272 7590 03/11/2005

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EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,014

Applicant(s)

NORRIS ET AL.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 12-21 is/are rejected.
- 7) ☒ Claim(s) 4 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-10, 12-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Munguia et al. (U.S 2001/0052013).

As to claims 1, 17, Munguia et al. disclose a web based telecommunications network management that has a system and method for performing an inventory of an asset of a network, comprising an agent operable, in accordance with a set of operating parameters, to perform the inventory and to generate a set of inventory data based thereupon; a collection server (26) as shown in Fig.2 operable to receive the inventory data from the agent, and to parse the set of inventory data according to a pre-established parsing scheme; and a directory server (mid range server) as shown in Fig. 2 operable to receive the parsed set of inventory data from the collection server, and to store the parsed set of inventory data for future reference (See paragraph 0003, 0019).

As to claim 2, Munguia et al. disclose the asset is selected from the group consisting of: servers, workstations (20), and firewalls (29a) (See paragraph 0065)

As to claim 3, Munguia et al. disclose the set of operating parameters include a periodicity with which to perform the inventory; and an IP address of the collection server (See paragraph 0019, 0063).

As to claims 5-6, 19-20, Munguia et al. disclose the agent includes a digital certificate operable to identify the asset to the collection server and to authenticate the set of inventory data and the digital certificate allows for encryption of the set of inventory data (See paragraph 0063, 0069, 0075).

As to claims 7, 18, Munguia et al. disclose the directory server stores the parsed set of inventory data in a hierarchical database (See paragraph 0003).

As to claims 8, 14, 21, Munguia et al. disclose a system for performing an inventory of an asset of a network, the system comprising: an agent stored on and executed by the asset and operable, in accordance with a set of operating parameters, to perform the inventory and to generate a set of inventory data based thereupon, with the agent having a digital certificate (See paragraph 0063, 0069) operable to identify the asset and to authenticate the set of inventory data; a collection server (26) as shown in Fig. 2 operable to receive the set of inventory data from the agent, identify the asset, authenticate the set of inventory data, and parse the set of inventory data according to a pre-established parsing scheme; and a directory server (mid range server) as shown in Fig.2 operable to receive the parsed set of inventory data from the collection server, and to store the parsed set of inventory data for future reference (See paragraph 0003, 0019).

As to claim 9, Munguia et al. disclose the asset is selected from the group consisting of: servers, workstations (20), and firewalls (29a) (See paragraph 0065).

As to claim 10, Munguia et al. disclose the set of operating parameters include a periodicity with which to perform the inventory; and an IP address of the collection server (See paragraph 0019, 0063).

As to claims 12-13 Munguia et al. disclose the digital certificate allows for encryption of the set of inventory data; and the directory server stores the parsed set of inventory in a hierarchical database (See paragraph 0003, 0063, 0069, 0075).

As to claim 15, Munguia et al. disclose a computer program for performing an inventory on an asset of a network, wherein the computer program is storable on a computer-readable memory medium and executable by a computing device; the computer program comprising: a code segment for performing, according to a set of operating parameters, the inventory of the asset to generate a set of inventory data; a code segment for sending the set of inventory data to a collection server; a code segment for parsing the set of inventory data at the collection server; and a code segment for storing the parsed set of inventory data (see paragraph 0003, 0009, 0019).

As to claim 16, Munguia et al. disclose the code segment for storing the parsed set of inventory data does so in a hierarchical format (See paragraph 0003, 0009).

Allowable Subject Matter

Claims 4, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose the set of inventory data includes - a type and a version of an operating system running on the asset; a current IP address of the asset', and a type, a version, and a name of a software application running on the asset.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conklin et al. (U.S. Patent No. 6,338,050) disclose a system and method for providing and updating user supplied context for a negotiations system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

GAJ

March 4, 2005

Gertrude A. Jeanglaude
GERTRUDE A. JEANGLAUDE
PRIMARY EXAMINER